United Nations A/HRC/35/L.2

General Assembly

Distr.: Limited
16 June 2017

Original: English

Human Rights Council
Thirty-fifth session
6–23 June 2017
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Andorra,* Argentina,* Austria,* Belgium, Bosnia and Herzegovina,* Botswana, Bulgaria,* Croatia, Cyprus,* Denmark,* Egypt, Finland,* France,* Georgia, Germany, Hungary, Honduras,* Italy,* Liechtenstein,* Luxembourg,* Malta,* Montenegro,* Netherlands, Norway,* Panama, Paraguay, Peru,* Poland,* Portugal, Qatar, Republic of Moldova,* Spain,* Sweden,* the former Yugoslav Republic of Macedonia,* Uruguay,* Ukraine:* draft resolution

35/... The right to education: follow-up to Human Rights Council resolution 8/4

The Human Rights Council,

Reaffirming its resolution 8/4 of 18 June 2008, and recalling all other Human Rights Council resolutions on the right to education, the most recent of which is resolution 32/22 of 1 July 2016, and the resolutions adopted by the Commission on Human Rights on the subject,

Reaffirming also the human right of everyone to education, which is enshrined in, inter alia, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization, and other relevant international instruments,

Bearing in mind the United Nations Declaration on Human Rights Education and Training and the World Programme for Human Rights Education,

* State not a member of the Human Rights Council.

Welcoming the progress made in achieving the Education for All goals and the related Sustainable Development Goals, while recognizing the need to accelerate efforts to complete the unfinished agenda of the Millennium Development Goals,

Recalling the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all, adopted at the World Education Forum 2015, held in Incheon, Republic of Korea,

Welcoming the adoption by the General Assembly of the 2030 Agenda for Sustainable Development,[1] which includes, inter alia, the Sustainable Development Goal of ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all,

Reiterating the commitment to strengthen the means of implementation, in line with the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,[2] for ensuring the full realization of the Sustainable Development Goals, and in this context welcoming the adoption of the Education 2030 Framework For Action, which aims to mobilize all countries and partners and provide guidance for achieving Goal 4 on education and its targets,

Strongly condemning the recurring attacks on students, teachers, schools and universities, which impair the realization of the right to education and cause severe and long-lasting harm to individuals and societies,

Recognizing the negative impact of climate change, natural disasters, conflict and crisis on the full realization of the right to education, that a large proportion of the world's out-of-school population lives in conflict-affected areas, and that crises, violence and attacks on educational institutions, natural disasters and pandemics continue to disrupt education and development globally, as noted in the Incheon Declaration,

Recognizing also that girls are disproportionately represented among out-of-school children and women are disproportionately represented among illiterate adults, owing to, inter alia, cultural or religious reasons, early marriage or pregnancy, or on economic grounds when education is not free,

Reiterating the contribution that access to new information and communications technologies, including the Internet, plays in facilitating the realization of the right to education and in promoting inclusive quality education,

Welcoming the steps taken to implement the right to education, such as the enactment of appropriate legislation, adjudication by national courts, the development of national indicators and ensuring justiciability, as appropriate, of this right, and aware of the role that communications procedures can play to promote the justiciability of the right to education,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Calls upon* all States to take all measures to implement Human Rights Council resolutions on the right to education with a view to ensuring the full realization of this right for all;

---

[1] General Assembly resolution 70/1.

[2] General Assembly resolution 69/313, annex.

2. *Urges* all States to give full effect to the right to education by, inter alia, complying with their obligations to respect, protect and fulfil the right to education by all appropriate means, including by taking measures, such as:

(*a*) Addressing issues of availability, accessibility, quality and equality in education, including in non-formal education mechanisms and programmes, and in this regard ensuring the access of adults to education;

(*b*) Creating an enabling policy environment, as appropriate, for the recognition, validation and accreditation of knowledge, skills and competencies acquired through non-formal and informal learning, in order for such learning to be recognized and used in the formal education system or the job market;

(*c*) Contemplating non-formal and informal learning in the context of emergency response plans, in order to ensure that education continues to be delivered;

(*d*) Assessing the quality of education, including non-formal education mechanisms and programmes, including through independent assessments, and taking appropriate remedial or other action to address policies or practices that prevent the enjoyment of the right to education by, inter alia, engaging with existing national human rights mechanisms, parliamentarians and civil society;

(*e*) Putting in place a regulatory framework for education providers, including those operating independently or in partnership with States, guided by international human rights obligations, that establishes, at the appropriate level, inter alia, minimum norms and standards for the creation and operation of educational services, addresses any negative impact of the commercialization of education and strengthens access to appropriate remedies and reparation for victims of violations of the right to education;

3. *Also urges* all States to expand educational opportunities for all without discrimination, including through implementing special programmes to address inequality of and discrimination against women and girls in education, recognizing the significant importance of investment in public education, to the maximum of available resources; to increase and improve domestic and external financing for education, as affirmed in the Incheon Declaration: Education 2030: Towards inclusive and equitable quality education and lifelong learning for all and the Education 2030 Framework for Action; to ensure that education policies and measures are consistent with human rights standards and principles, including those laid down in the Universal Declaration of Human Rights and relevant international human rights instruments; and to strengthen engagement with all relevant stakeholders, including communities, local actors and civil society, to contribute to education as a public good;

4. *Further urges* all States to regulate and monitor education providers and to hold accountable those whose practices have a negative impact on the enjoyment of the right to education, as well as to support research and awareness-raising activities to better understand the wide-ranging impact of the commercialization of education on the enjoyment of the right to education;

5. *Calls upon* States to promote technical vocational education and training, as well as apprenticeship, by implementing appropriate policies and programmes, as a means of ensuring the realization of the right to education;

6. *Welcomes*:

(*a*) The work of the Special Rapporteur on the right to education, and takes note of her latest report, on realizing the right to education through non-formal education;[3]

(*b*) The work of the United Nations human rights treaty bodies and special procedures in the promotion of the right to education, as well as the work undertaken by the Office of the United Nations High Commissioner for Human Rights in the promotion of the right to education at the country, regional and headquarters levels;

(*c*) The contribution of the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the lead agency on Sustainable Development Goal 4, and other relevant bodies towards attaining the goals of the Education for All agenda and education-related Sustainable Development Goals;

7. *Calls upon* States to implement the 2030 Agenda for Sustainable Development,[1] including Sustainable Development Goal 4, in order to ensure inclusive and equitable quality education and promote lifelong learning for all;

8. *Decides* to extend the mandate of the Special Rapporteur on the right to education for a period of three years;

9. *Requests* the Special Rapporteur to take fully into account, in the discharge of her mandate, all provisions of Human Rights Council resolutions on the right to education and to apply a gender perspective to her work;

10. *Requests* all States to continue to cooperate with the Special Rapporteur with a view to facilitating her tasks in the discharge of her mandate, and to respond favourably to her requests for information and visits;

11. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Special Rapporteur;

12. *Reaffirms* the obligations and commitments to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of available resources, with a view to achieving progressively the full realization of the right to education by all appropriate means, including in particular the adoption of legislative measures;

13. *Calls upon* States to take all necessary measures, including sufficient budgetary allocations, to ensure inclusive, equitable and non-discriminatory quality education, and to promote learning opportunities for all, paying particular attention to girls, marginalized children, older persons, persons with disabilities and persons with low qualifications;

14. *Stresses* the importance of international cooperation, including the exchange of good practices, and of technical cooperation, capacity-building, financial assistance and technology transfer on mutually agreed terms in the realization of the right to education, including through the use of information and communications technology;

15. *Calls upon* States to continue to make efforts to strengthen the protection of preschools, schools and universities against attacks, and encourages efforts to provide safe, inclusive and enabling learning environments and quality education for all within an appropriate time frame, including higher education in humanitarian emergencies and conflict situations;

---

[3] A/HRC/35/24.

16. *Encourages* all States to measure progress in the realization of the right to education, such as by developing national indicators as an important tool for the realization of the right to education and for policy formulation, impact assessment and transparency;

17. *Calls upon* States to accelerate efforts to eliminate gender-based discrimination and all forms of violence, including bullying of children, in schools and other educational settings, such as school-related gender-based violence, and to realize gender equality and the right to education for all;

18. *Encourages* States to consider justiciability when determining the best way to give domestic legal effect to the right to education;

19. *Acknowledges* the role that communications procedures can play to promote the justiciability of the right to education, and in this regard calls upon all States that have not yet signed and ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to consider doing so as a matter of priority;

20. *Encourages* the High Commissioner, the treaty bodies, the special procedures of the Human Rights Council and other relevant United Nations bodies and mechanisms, specialized agencies, funds and programmes, within their respective mandates, to continue their efforts to promote the full realization of the right to education worldwide and to enhance their cooperation in this regard, including by enhancing technical assistance to Governments;

21. *Commends* the contribution of national human rights institutions, civil society, including non-governmental organizations, and parliamentarians to the realization of the right to education, including through cooperation with the Special Rapporteur;

22. *Decides* to remain seized of the matter.